

# **EXHIBIT 12**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

GOLDEN HOUR DATA SYSTEMS, INC.,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO. 2:06 CV 381
	§	
EMSCHARTS, INC., ET AL.,	§	
	§	
Defendants.	§	

**FINAL JUDGMENT**

Pursuant to Rule 58 of the Federal Rules of Civil Procedure, the court hereby renders final judgment in conformity with the jury verdict delivered on November 25, 2008, and the court's Orders which issued on March 23, 2009 and April 3, 2009. *See* Dkt. Nos. 284 & 285. Accordingly, the court renders judgment for the plaintiff Golden Hour Data Systems, Inc. ("the plaintiff") and against the defendant emsCharts, Inc. for the willful infringement of U.S. Patent No. 6,117,073 claims 10, and 12-22. Consistent with the jury verdict, the court finds that emsCharts, Inc. willfully induced the infringement of U.S. Patent No. 6,117,073 claims 1, 6-8, 10, and 12-22. Consistent with the court's Order which issued on April 3, 2009, the court finds that Defendants emsCharts, Inc. and Softech LLC did not jointly infringe U.S. Patent No. 6,117,073 claims 1, 6-8, and 15-22. *See* Dkt. No. 285. Consistent with the jury verdict, the court finds that the defendants did not prove by clear and convincing evidence that U.S. Patent No. 6,117,073, claims 1, 6-8, 10, 12-22, were invalid. The court did, however, determine that U.S. Patent No. 6,117,073 is unenforceable due to the plaintiff's inequitable conduct before the U.S. Patent and Trademark Office. *See* Dkt. No. 284. In view of the above, plaintiff takes nothing by way of its claims. All pending motions are denied as moot.

SIGNED this 3rd day of April, 2009.

A handwritten signature in black ink, reading "T. John Ward". The signature is written in a cursive style with a large, stylized "T" and "W".

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T. JOHN WARD

UNITED STATES DISTRICT JUDGE